

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re application of Nathanael F. Ehrich, et al.

Serial No.: 10/675,418 Filed: September 30, 2003

For: Client-Side Processing of Alternative Component-Level Views

Art Unit: 2178 Examiner: Cesar B. Paula

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request review of the Final Rejection in the Office Action mailed April 18, 2006 in the above-identified Application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

/Marcia L. Doubet/ /#40,999/

Date: June 15, 2006  
Correspondence Address: Cust. No. 43168  
P. O. Box 422859  
Kissimmee, FL 34742-2859

Marcia L. Doubet, Attorney for Applicants  
Registration Number 40,999  
Telephone 407-343-7586  
Fax 407-343-7587

## **GROUND OF REJECTION PRESENTED FOR REVIEW**

The **ground of rejection** presented for review is a rejection of Claims 1, 7 - 10, 13 - 15, 18 - 20, 26 - 27, and 29 - 30 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent 6,300,947 to Kanevsky, according to the Office Action mailed April 18, 2006 (hereinafter, "the Office Action").

## **ARGUMENT**

For expediency only, Applicants will discuss independent Claims 1, 26, and 27 with regard to Claim 1, and for the dependent Claims 7 - 10, 13 - 15, 18 - 20, and 29 - 30, will discuss only Claims 14 and 30. Applicants reserve the right to argue additional grounds, and in particular to explicitly argue separate patentability of the dependent claims, if this Petition is denied.

Applicants respectfully submit that Kanevsky does not teach or suggest all of the recitations of Claim 1 for at least the reasons discussed herein and in Applicants' previously-filed Amendment dated January 31, 2006. Claim 1 recites (emphasis added):

A computer-implemented method of selecting among component-level views for rendering at a client device, comprising steps of:  
receiving, at the client device, a markup language document that specifies a Web page for rendering on a display of the client device, wherein the specification of the Web page further comprises, for at least one component of the Web page, syntax defining a plurality of alternative selectable views of the component and conditions under which each of the views should be selected for rendering;  
evaluating, at the client device, responsive to the receiving step, one or more factors to yield an evaluation result, wherein the one or more factors are determined from the specified conditions;  
using the evaluation result, at the client device, to select a particular one of the plurality of alternative selectable views of the component; and  
rendering, on the display, the Web page with the selected view incorporated therein.

Applicants find no teaching in Kanevsky of (at least) the above-underlined recitations. In Applicants' independent claims, the claim language specifies that the "syntax defining a plurality of alternative selectable views ... and conditions ..." is specified in the markup language document. That is, the markup language document itself specifies the alternative selectable views ("a markup language document that specifies a Web page ..., wherein the specification of the Web page further comprises ... syntax defining a plurality of alternative selectable views of the component and conditions ..."; see Claim 1, lines 3 - 7, emphasis added). See also **Fig. 1** (third page thereof) of Applicants' drawings, and the 3 alternative selectable views **140, 150, 160** which are specified therein in sample Web page **100**.

Instead, Kanevsky describes, with reference to **Fig. 3**, "determin[ing] whether objects ... included in the web page data [for web page URL/CGI **201**] will fit the particular size of a user's display" (col. 8, lines 32 - 34), and if not, "alternative URL/CGI instructions **201a - 201d** are provided to a search module **205** ... Preferably, the alternative URL/CGI instructions may include a special instruction ... which indicates what type of display screen size is optimal for displaying the web page data associated with that particular URL/CGI instruction set. ... Thus, with this special instruction in each alternative URL/CGI model, the search module **205** can quickly compare the information in the respective special instructions to the display mode ..." (col. 8, lines 44 - 67, emphasis added). Thus, if markup language document **201** is not suited to the size of the client display, a different choice may be selected by checking the display size information in the alternative URL/CGI instruction sets **201a - 201d**. In contrast to their claimed approach,

Applicants find no teaching in Kanevsky that these alternative instructions sets are contained within the same document as URL/CGI instruction set **201**.

Page 5, lines 17 - 22 of the Office Action admit that Kanevsky “fails to explicitly teach” this above-underlined claim language (and see, in particular, Page 5, lines 19 - 20 of the Office Action). The Office Action then states that it would have been obvious “to receive, evaluate, and use the evaluation result of the preadapted web page at the client ...”, citing col. 17, lines 7 - 21 of Kanevsky (Office Action, Page 5, line 22 - Page 6, line 4). However, Applicants respectfully submit that this analysis in the Office Action is flawed for at the least the following reasons:

1) Limitations of Applicants’ claim language have been overlooked in this analysis. The issue is not merely whether functions are carried out at the client (e.g., “receive, evaluate, and use the evaluation result”). Applicants’ claim language specifies limitations about what is in the markup language document, namely “... for at least one component of the Web page, syntax defining a plurality of alternative selectable views of the component and conditions under which each of the views should be selected for rendering” (Claim 1, lines 5 - 7, emphasis added). As stated above, Applicants find no teaching of this approach in Kanevsky.

2) While the cited text from col. 17, lines 7 - 21 discusses “re-adapting” web pages at a client, Applicants’ claim language does not specify that the content of the markup language document is changed (i.e., “re-adapted”) in any way at the client. Rather, the claim language specifies that the alternative views are already specified in the markup language document (as described above with reference to Claim 1, lines 3 - 7), and one of these views is selected from the provided alternatives (“... select a particular one of the plurality of alternative selectable views of

the component”; Claim 1, lines 11 - 12). By contrast, Kanevsky illustrates with reference to **Fig. 6** how markup language syntax is transformed (namely, modifying element **502** to become element **508** and removing element **503**) to fit a smaller display screen (col. 10, lines 17 - 26) when performing an adaptation on the server side at module **207**, and states, with reference to client-side processing, “... determine if the web page data [as delivered to the client] will fit the user display screen ... If not, then the web page data is sent to an automatic web page adaptation module **306** which performs the same function as adaptation module **207** ... i.e., transform web page data ...” (col. 17, lines 32 - 44, emphasis added).

3) Furthermore, col. 17, lines 60 - 67 state that “... since there is a prohibitively large number of shell [i.e., window] sizes that can be chosen by the user, it is not practical to have a collection of different URL/CGI instructions [at the client] that are prepared in advance, as is done [by contrast] in the adaptor server **107** (i.e., **201a - 201d** [which are the alternative URL/CGI instructions shown in **Fig. 3**] ...), for displays of different sizes ...” (emphasis added). By contrast, Applicants’ claim language specifies that the alternative views are specified in the markup language document that is received and rendered at the client (“... wherein the specification of the Web page further comprises, for at least one component of the Web page, syntax defining a plurality of alternative selectable views of the component ...”; Claim 1, lines 4 - 6, emphasis added). Applicants therefore respectfully submit that Kanevsky teaches away from their claimed approach.

Given that Kanevsky does not teach the above-discussed limitations recited in Applicant’s Claim 1, Applicants respectfully submit that a *prima facie* case of anticipation has not been made

out with regard to their independent Claim 1, or to independent Claims 26 - 27 (which specify similar limitations), and these claims are therefore deemed patentable over Kanevsky. Applicants' dependent claims are thereby deemed patentable by virtue of (at least) the allowability of the independent claims from which they depend.

Furthermore, with regard to Applicants' dependent Claim 14, Applicants respectfully submit that the analysis on Page 7, lines 9 - 13 has misrepresented Applicants' claim language. Claim 14 specifies "... the evaluating step evaluates at least one dynamic factor pertaining to a network to which the client device is operably connected" (emphasis added). In the Office Action, additional language is inserted, indicating that the dynamic factor pertains to "the device's characteristics". This is not the language of Applicants' Claim 14, and accordingly, Applicants respectfully submit that the cited textual references (in which Applicants find no discussion of any dynamic factors "pertaining to a network") do not anticipate Claim 14.

With regard to Applicants' dependent Claim 30, Applicants respectfully submit that the analysis on Page 9, lines 1 - 4 of the Office Action has misrepresented Applicants' claim language. Instead of the language of Applicants' Claim 30, which specifies "... a current processing load on the client device ...", the analysis in the Office Action has changed this to "a current display processing load on the client device" (Office Action, Page 9, line 3, emphasis added). Applicants respectfully submit that those of skill in the art readily understand that "processing load" pertains to load on a processor (i.e., CPU), and not to a display device. Accordingly, Applicants fail to see the relevance of the cited text, and respectfully submit that it does not anticipate Claim 30.